

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SATURN BIOMEDICAL SYSTEMS, INC.,

Plaintiff,

vs.

AIRCRAFT MEDICAL LIMITED,

Defendant.

Case No. C06-0202RSL

ORDER GRANTING  
DEFENDANT'S MOTION TO  
ENLARGE TIME

**I. Introduction**

This matter comes before the Court on "Defendant's Motion For Enlargement of Time Under Fed. R. Civ. P. 6(b)." Dkt. # 6. Aircraft Medical Limited ("Aircraft") requests an extension to May 1, 2006, of the time allowed to respond to the amended complaint. For the reasons set forth in this Order, the Court grants the motion to enlarge time.

**II. Background**

Saturn Biomedical Systems, Inc. ("Saturn") alleges patent infringement by Aircraft. Amended Complaint. Saturn filed a complaint in this Court on February 9, 2006 (Dkt. # 1), and an amended complaint on March 14, 2006 (Dkt. # 4). Aircraft received the original complaint on March 2, 2006, and the amended complaint on March 14, 2006. Motion at 1-2. Aircraft states that it retained U.S. counsel on March 17, 2006. *Id.* at 2.

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### III. Discussion

#### A. Standard

“Rule 6(b) commits to the district court’s discretion the decision to enlarge the time in which a party must perform an act required or allowed by the Federal Rules of Civil Procedure[.]” Jenkins v. Commonwealth Land Title Ins. Co., 95 F.3d 791 (9th Cir. 1996). If cause is shown and prejudice to the opposing party is absent, under Fed. R. Civ. P. 6(b)(1) courts will generally grant an enlargement of time that was requested before the original deadline. See 4B Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1165 (3d ed. 2002).

#### B. Cause Shown

Defendant asserts that passing information between a U.S. attorney and an overseas client necessarily involves delays. Motion at 2, 3. Having retained U.S. counsel on March 17, 2006, defendant further asserts that more time is needed to appropriately respond to the amended complaint. In view of the recent retention of counsel, the Court finds that cause for the delay has been shown.

#### C. Prejudice to Plaintiff

Plaintiff identifies as a potential prejudice the risk that defendant will import the allegedly infringing devices during the requested time extension. Response at 4-5. Defendant avers that this will not occur. Reply at 2. Seeing no evidence in the record supporting plaintiff’s assertions or suggesting that defendant is acting in bad faith, the Court concludes that any prejudice to plaintiff is speculative.

### IV. Conclusion

The Court concludes that the requested delay is reasonable. Finding that defendant has shown cause for the delay and that no prejudice to plaintiff is expected, the defendant’s motion to enlarge time to respond to the amended complaint is hereby GRANTED. Defendant shall answer or otherwise respond to the amended complaint by May 1, 2006.

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1 DATED this 19th day of April, 2006.

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4 Robert S. Lasnik  
5 United States District Judge  
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